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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/873,719

06/04/2001

David E. Heckerman

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04/06/2006

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EXAMINER

STARKS, WILBERT L

ART UNIT

PAPER NUMBER

2129

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.

09/873,719

Examiner

Wilbert L. Starks, Jr.

Applicant(s)

HECKERMAN ET AL.

Art Unit

2129

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 19 January 2006 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Note: The documents listed in the IDS filed 03/10/2006 (after Examiner's answer was filed) were not considered because the IDS did not properly conform to 37 CFR 1.97. It would have been interesting if the Board had required Examiner' to allow this case and Applicant's requested consideration of this IDS would have sneaked into the case without opportunity for proper examination during prosecution. Examiner' will not permit that to occur. If a proper IDS is filed in accordance with 37 CFR 1.97 before this case goes to the Board, Examiner' will re-open prosecution of this case to investigate whether the cited references should be used to add further layers of art rejections. Further, for the sake of factual clarity, Examiner' reminds Applicant' that the cited prior art (i.e., Guha) \*expressly\* recited the use of TWO training algorithms (first, a "backpropagation" algorithm and second, a "genetic" algorithm.) Therefore, it is.. ahem ..erroneous for Applicant' to further represent that there is only ONE algorithm without evidence from the cited prior art to prove that representation.

*Wilbert L. Starks, Jr.*  
Wilbert L. Starks, Jr.  
Patent Examiner  
Art Unit - 2129